

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DAVID L. JOHNSON, JR.,

Plaintiff,

vs.

COUNTY OF DOUGLAS,  
NEBRASKA, et al.,

Defendants.

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8:09CV356

ORDER

This matter is before the court on the defendants Correct Care Solutions, L.L.C., and Susan M. Wilkinson's Motion to Dismiss ([Filing No. 73](#)) and the plaintiff's Motion to Dismiss ([Filing No. 83](#)). In response to the defendants Correct Care Solutions, L.L.C., and Susan M. Wilkinson's Motion to Dismiss, the plaintiff seeks to voluntarily dismiss these defendants, without prejudice, pursuant to Fed. R. Civ. P. 41(a)(1). Under the rule, the plaintiff may dismiss the action against these defendants, who have not yet served an answer or motion for summary judgment, without further proceedings involving these defendants. [Fed. R. Civ. P. 41\(a\)\(1\)](#). Accordingly,

**IT IS ORDERED:**

1. The defendants Correct Care Solutions, L.L.C., and Susan M. Wilkinson's Motion to Dismiss ([Filing No. 73](#)) is denied as moot.
2. The plaintiff's Motion to Dismiss ([Filing No. 83](#)) is granted. The plaintiff's claims against Correct Care Solutions, L.L.C. and Susan M. Wilkinson are hereby dismissed without prejudice.
3. The parties' July 22, 2011, deadline to indicate whether the parties consent to disposition of the case by a magistrate judge, is vacated, in light of this order and the remaining parties' earlier consent at Filing No. 41.

DATED this 13th day of July, 2011.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge